

FILED

MAY 04 2017

CITY CLERK

April 27, 2017

Vigo County Area Planning Department  
159 Oak Street  
Terre Haute, IN 47807

Dear Sirs:

As concerned residents of the area impacted by the request for rezoning of parcel #84-09-02-202-009.000-005 we would like to point out the negative effects of making the requested change.

The list would include:

1. Part of the area under consideration is in a flood zone which would impact the development itself.
2. Excessive water runoff would be created when changing the area from green space, which it currently, to hardscape thus impacting the adjoining properties
3. The egress for the proposed housing area will be on a roadway causing a dangerous set of conditions that would have a negative effect on local residents, the new quarter midget track, and the general population.
4. The area in question current is part of the drainage for a large area of the Fruitridge and 25<sup>th</sup> Street corridor which will only enhance the runoff issues mentioned above.
5. Additional residents currently have to contend with a drainage ditch in the area that is a treat of overflow on a regular basis and they would have an even greater risk of that situation after the completion of the proposed project thus not only additional personal safety concerns but diminished property values due to an increasing in area flooding.
6. Diminished property values due to lost green space and aesthetic value.
7. Lost aspect of the traditional single family home concept present in the area since the original development of the area.

These are only some of the more obvious concerns of the residents of the neighborhood and we feel the Area Planning Commission should take these matters under advisement and be compelled to issue a no vote on the request for rezoning.

Sincerely,

Randall and Debra Hutts  
2819 E Margaret Dr.  
Terre Haute, IN 47802

Gene and Kathleen Hopkins  
2817 E Margaret Dr.  
Terre Haute, IN 47802

Noel & Rosalee Kearns  
2801 Stone Dr.  
Terre Haute, IN 47802

April 29, 2017

Vigo County Area Planning Department  
159 Oak Street  
Terre Haute, IN 47807

Dear Sirs:

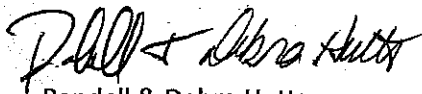
As concerned residents of the area impacted by the request for rezoning of parcel #84-09-02-202-009.000-005 we would like to point out additional negative effects of making the requested change as referenced in our letter April 27, 2017.

These additional items include:

1. A fiber optics line which runs thru the property.
2. A large sanitary sewer line that drains a substantial acreage area located around the Margaret Avenue and Fruitridge Avenue intersection.
3. With the proximity of the railroad tracks to the proposed entrance to the property on Sidenbender Road, the potential for a stopped school bus on a very dangerous and busy curve in the road will be greatly enhanced.
4. The existence of a single-family dwelling requirement for all of the property in the area is one of the reasons that many homeowners purchased their homes in the area believing that if that area was developed, only like properties such as theirs would ever be constructed on this piece of undeveloped property.

We would like to reiterate our belief that this request does not merit a favorable recommendation as the original zoning was correct for this area and to many potential pitfalls exist if the area were to be changed to an R-3 rating.

Sincerely,



Randall & Debra Hutts 2819 E Margaret Dr., Terre Haute, IN 47802



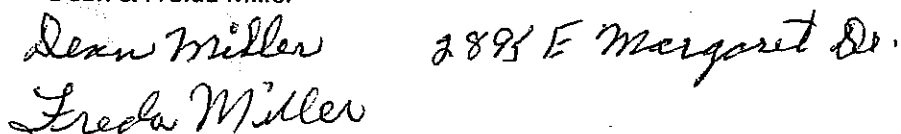
Gene & Kathleen Hopkins 2817 E Margaret Dr., Terre Haute, IN 47802

Noel & Rosalie Kearns

2801 Stone Dr., Terre Haute, IN 47802



Dean & Freida Miller



2898 E Margaret Dr.

Carolyn Hall Carolyn Hall 2751 So. Stone ~~Street~~ Dr.

Tony Prouse and Betty Jenkins 2851 E MARGARET  
Phelps Prouse

Kenneth Riney + Jan M. Stephens Riney

Rickey Viers  
2777 S. Stone St.  
T.H. IN 47802

Daniel Juss  
3028 S LEA LANE

Steve Connolly  
2995 E. Margaret

Mike Quain  
3069 E Margaret Drive

Donna Quain  
3069 E Margaret Drive

DEVID PEABODY  
3058 S Lea Lane,  
Terre Haute, IN 47802

Jan M. Stephens Riney  
3098 S. Lea Lane  
Terre Haute, IN 47802

Kenneth Riney  
3098 S. LEA LANE  
TERRE HAUTE, IN 47802

Ford W Croft  
3068 S LEA LN

Danielle Peabody  
3058 S. Lea Lane

FILED

APR 27 2017

Edwards,Michelle

CITY CLERK

**From:** Felling,Darrell  
**Sent:** Thursday, April 27, 2017 11:00 AM  
**To:** Nasser,Karrum; Crossen,Martha; Azar, George; Don.Morris@terrehuate.in.gov; DeBaun,Curtis; Auler,Amy; Garrison,Neil; Nation,Todd; Elliott,Earl  
**Cc:** Meeks,Molly; Edwards,Michelle; dave.taylor@tribstar.com; Bennett,Duke A  
**Subject:** Rezoning Memo  
**Attachments:** Rezoning Memo City Council 4-27-17.docx

All,

Please find the attached memo regarding rezoning petitions. Please let me know if you have any follow up questions or concerns.

Best,

Darrell "Eddie" Felling II  
City Attorney  
City of Terre Haute Legal Department  
812-244-2373

## MEMORANDUM

TO: MEMBERS OF THE CITY COUNCIL

FROM: Eddie Felling

DATE: April 27, 2017

**RE:** *Considerations for Rezoning*

Council,

Due to several inquiries from members of the Council, administration, and public at large, I would like to bring some information to your attention regarding rezoning petitions. Attached is a memorandum issued by the legal department in 2002 by the then City Attorney, Lynn Francis. After reviewing this somewhat dated memo, I believe that all aspects discussed are still relevant to our current state and local code and will be helpful as you consider future rezoning requests. Please let me know if you have any questions or concerns.

## MEMORANDUM

TO: MEMBERS OF THE CITY COUNCIL

FROM: Lynn Francis

DATE: November 13, 2002

RE: *Considerations for Rezoning*

Several council members have inquired regarding the appropriate consideration for a rezoning. The considerations are listed in I.C. 36-7-4-603 and are incorporated into the municipal zoning ordinance in Section 10-263 (c) (4). These are the items that should be considered by both the Plan Commission and the legislative body:

1. The comprehensive plan;
2. Current conditions and the character of current structures and uses in each district;
3. The most desirable use for which the land in each district is adapted;
4. The conservation of property values throughout the jurisdiction; and
5. Responsible development and growth.

Through case law, it is clear that when the legislative body hears testimony both in favor and opposed to the rezoning and makes the decision based upon one of these specific considerations, the decision is usually upheld. All of these considerations are seen as supportive of the intent and purposes to be served by the comprehensive zoning ordinance which are:

1. To promote public health, safety, morality, convenience and the general welfare.
2. To encourage the most appropriate use of land.
3. To conserve and stabilize the value of property.
4. To provide adequate open spaces for light and air.
5. To prevent excessive concentrations of population.
6. To eliminate congestion on streets and highways.

Members of the City Council  
November 13, 2002  
Page 2

These purposes are found in Section 10-20 of the comprehensive zoning ordinance. These purposes are not inconsistent with the purposes found in I.C. 36-7-4-201 which provide the purposes for the zoning provisions in State statute which are to encourage units to improve the health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end:

1. That highway systems be carefully planned;
2. That new communities grow only with adequate public way, utility, health, educational and recreational facility;
3. That the needs of agriculture, industry and business be recognized in future growth;
4. That residential areas provide helpful surroundings for family life; and
5. That the growth of the community is commensurate with and promotive of the efficient and economical use of public funds.

If I can be of additional assistance, please let me know.

LAF/nj



